

A POINT IN LAW.

IS A FATHER ENTITLED TO THE CUSTODY OF HIS CHILD?

Judge Gardiner Says Not Always—Full Text of a Decision in the Matter of Kenneth See—An Interesting Document.

Judge Gardiner Monday rendered a written decision in the habeas corpus case of Kenneth See, a somewhat complicated action, which has elicited much interest among members of the bar. The full text of the decision, which embodies the interesting story of little Kenneth See and his rambles, is given below:

In the Superior Court of the County of Los Angeles, State of California.

In the matter of the guardianship and habeas corpus of Kenneth See.

These matters were heard and argued together, and will now be both decided.

Much that may be said as to the one will have some bearing as to the other.

The reasons for denying the petition of Mrs. Gordon for the issuance of letters of guardianship, as expressed by the Court at the close of her evidence, need not now be repeated. Nor will it be necessary to present the reasons for the denial of the petition of Mrs. Gordon for the issuance of letters of guardianship, as expressed by the Court at the close of her evidence, need not now be repeated.

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In determining the proper custody of a child, the rule finds limited support in certain jurisdictions to the effect that parental affection is to be left entirely without consideration is hardly less shocking to sound reason than is the contrary doctrine to the effect that the parent's right to the custody is absolute because he is the parent, and without any regard to the best interests of the child. "Such atrocious as tearing a helpless babe from its mother's breast, or even detaching a child of mature years over a mere claimant," standing on the mere letter of the law, in whose hands the child becomes a mere prisoner and sufferer, upon any supposed legal ground can find no sanction." (Hochheimer on Custody of Infants, page 3.)

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The reason for the rule prohibiting courts from selecting married women to guardianship of their children and for prohibiting the selecting of an administrator from married women applies to the selection of married women as guardians, and that reason is entitled to consideration in the exercise of discretionary power, and in this case if the appointment of a guardian be "necessary or convenient" the Court should appoint a person other than either Mrs. Gordon or Mr. See, and the person so appointed should be for the reason hereinafter mentioned, be directed to permit Mrs. Gordon to retain the care and education of the child within her household for at least a limited period.

The foregoing quotation as to necessity of appointment is from section 1747, C. C. P. and see also section 1748, C. C. P., syllabi of Judge Coffey's decisions, as same subject, and it may here be remarked that the same authority states that "when a mother of a minor is a non-resident she is legally incapable of obtaining letters of guardianship over the child in this State."

Had Mrs. Gordon, while in Missouri, made her application for guardianship there with a view to thereafter removing the child to this State, rather than to make the removal in the manner she did, and thereafter apply for letters of guardianship here for the too evident purpose of preventing the father from compelling the child's return to his former State, and thus unduly what she has wrongfully done, her good faith would have been much more apparent. The courts would not have been called upon to seek an explanation of her conduct upon the ground of mistake or ill advice. The course she chose to pursue in that respect indicated that her powers should be restrained, rather than enlarged. Let the application for guardianship be denied, and let Mrs. Gordon be directed to pay the costs of the prosecution. Counsel for Mr. See will prepare and present for signature a decree to that effect.

Counsel for the father stated at one stage of the proceedings that the writ of habeas corpus herein was "only for the purpose of bringing the child into court." But, in a subsequent argument, he demanded that the custody of the child should be finally determined by the court, and delivered to the father, upon the habeas corpus proceeding. The mother of the child, a sister of Mrs. Gordon, died in Missouri shortly after the child's birth, and Mrs. Gordon considered herself a request either as to the care or as to the partial care of the child by Mrs. Gordon. The child was subsequently taken to Mrs. Gordon's home in Missouri and remained there ever

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THE PRIMARIES.

The Republican primaries for the city convention, held yesterday, were largely attended, and the voting was heavy and animated. The vote polled was probably the largest ever cast at a primary in the city. The result appears in our news columns. The delegations elected from the several wards are generally good, reliable ones, embracing the names of some of the most trustworthy Republicans and citizens in the community, with others, of course, less so, as is always the case. The preponderance is, however, on the right side. The delegates-elect are, as a rule, unpledged. There will doubtless be two candidates for Mayor before the convention—Mosher and Miles.

Upon a careful survey of the field, at the close of the counting last night, it was learned that the complexion of the delegations was entirely satisfactory to "Hank Wagner" and his extensive train. Whether it was equally satisfactory to his opponent in the race had not been learned up to the hour of going to press.

Dirty Business.

Some fellow, who does not deserve to be called a man, is engaged in the nefarious business of manufacturing a swindling device known as the "brother-in-law," and persuading street-car conductors to purchase or rent the implements from him, with the design of cheating the street-car companies. Benjamin Franklin once said: "It is hard for an empty bag to stand upright." It is hard for a good many poor men to be strictly honest when temptations are thrown in their way, and hence it is to be expected that the disreputable "brother-in-law" maker may find some drivers who will listen to his offers and thus be lured on to certain disgrace and ruin. The fact that such a contemptible, cold-blooded swindling device is extant, and that a person in this city is low enough to attempt its general introduction, will make a hardship all along the line, inasmuch as it will make the managers of street-car lines more suspicious of their employees. They will see that their interests do not suffer too much, of course, and hence must increase their espionage—making a wider breach between employer and employee, and classing the innocent with the guilty, inasmuch as all are thrown under suspicion.

In passing it might be in order to remark that this whole question of "knocking down" on the receipts of a street-car company needs to be righted in public estimation. Too many people are inclined to regard it in a spirit of levity, or at best only half condemnation. It seems to them a small thing for a rich company to lose a nickel here and there and for a single poor man to come out just that much ahead, but there is a principle at stake that they lose sight of, and to make light of what appears to them a small offense, or to condone it, is to lower the moral tone of the men involved.

A liberal and considerate policy by the management of street-car corporations is to be desired, and no single act would more tend to this result than for the employees to prove by their conduct that they are honest. Nothing would more tend to make those disposed to act dishonestly change their tactics than for the public to make it felt that the sin of "knocking down" is as disreputable as any other form of larceny.

As to the fellow who is deliberately placing temptation in the way of many deserving young men, the law ought to deal with him as he deserves. He belongs behind bars.

The Examiner publishes a Washington dispatch relative to cabinet-making, which asserts that John Sherman and Alger will never be seen in the same Cabinet, because of Sherman's alleged dislike of the Michigan ex-Governor. The correspondent asserts that the Ohio Senator has a black-list, on which appear the names of certain delegates who betrayed him—for coin—at Chicago. In other words, the information is vouchsafed that he is a good hater when thoroughly aroused, and that he keeps one of those small memorandum books in which gentlemen are wont to write the names of mean men.

A BANQUET in honor of Senator Stanford and the Republican Representatives-elect from California is to be given at the Palace Hotel, San Francisco, tomorrow evening. The cards of invitation bear the names of Hon. M. M. Estee, Hon. A. P. Williams, M. D. Boruck (the Markuss), Alex. Badlam, M. H. Hecht, Isaac Trumbo, W. H. Brown and "Jake" Steppacher. Judge W. F. Fitzgerald, the member of the State Executive Committee for this part of the State, has been invited to respond to the toast, "Southern California." He leaves for the city today. Gen. Vandever could not delay his departure for Washington to attend the banquet.

The significant fact that there is daily developed in the editorial-room of the Los Angeles Tribune a large amount of double-leaded anxiety over the subject of the mayoralty, has been noted with curious smiles by cool and confident Republicans. When you are so sure of your man winning, O gopher-like Trombone! why the need of screaming your confidence with gasping breath, coupled with blanched face and trembling knees? Eh?

The New York Supreme Court orders Lord Sackville to pay over to the Geschiedt heirs, with interest and costs, \$7125, which they have been vainly struggling to get from him since 1872. And this is the man who, with Cleveland's assistance, was foisted upon New York city as its District Attorney.

An important joint meeting of the members of the Chamber of Commerce and Board of Trade is called for 1 o'clock this afternoon at the Board of

Trade rooms, to take into consideration a project for making an exhibit of California products in London. The plan is intended to embrace the State. Particulars elsewhere in THE TIMES.

AMUSEMENTS.

AT THE OPERA-HOUSE.—Tomorrow night is the last one of the Frank Daniels Company in Little Puck. Good houses have been the rule and poor ones the exception throughout the week. Next week, Daddy Nolan.

"No, No, Not by No Means." [Los Angeles Tribune, Nov. 22.] The Tribune is for Mr. Miles's nomination—not as a Tribune candidate—no, by no means—we have no special interest in him.

Mefford Denies It. A. H. Mefford, the party suspected of trying to introduce the swindling device known as the "brother-in-law," called at the Times office yesterday and denied that he had made any efforts to use or sell the apparatus since he pleaded guilty to a charge of the same. He said a fine of \$100. He states, however, that the "brother-in-law" was given back to him after his case was settled, and that, standing on the corner of Temple and Spring streets, he showed it to some Temple-street conductors who were there and explained its workings. Mefford's denial would appear stronger if he did not make so many admissions.

Fell Out of His Buggy. George Lewis tumbled out of his buggy on Second street yesterday afternoon while going home very much under the influence, scratching up his face and bruising his head. He was brought to the police station, where he was patched up, and given quarters until he was sober enough to proceed on his way.

La Ponda Sent Up. La Ponda, the alleged Pasadena doctor convicted of rape on the person of little Alma Griffith, was yesterday sentenced to the State Prison for a term of five years. The old reprobate took his sentence very philosophically, and remarked that he would live to serve out his term. He was taken up to the penitentiary last night.

Arrested on Suspicion. Capt. Loomis arrested a boy named George Foster, on Alameda street, yesterday morning, and locked him up on suspicion. Several parties have complained about having pistols stolen, and as the description of the thief fitted George, he was taken in. Three revolvers were found in his possession, which were held as evidence.

Stole a Bible. The meanest petty larceny thief that has turned up for some time was run in by Officer Finucane, on Main street, last night, at 8:30 o'clock. The fellow had stolen a Bible from Peter Kelly, and had also helped himself to a new hat at the Chicago Hat Store without paying for the same. He gave the name of James C. Hays.

Fast Driver Arrested. Mike Ryan was arrested by Officer Methvin yesterday morning for fast driving over the First and Spring-street crossing. The officers that he was repeatedly cautioned Ryan, but finding that that did no good, had to finally take him in.

Cannons Must Pay Royalty. BOSTON, Nov. 22.—A verdict was rendered today by the jury in the United States Circuit Court, which is said to involve the collection of millions of dollars in royalties annually from the canners of fruit, salmon and other commodities in the United States, for the use of a soldering iron. The case was made a test. The parties were Lewis McMurray and others against George K. Emerson, a canned-goods manufacturer of Somerville, Mass. The verdict was in favor of the canners, and the soldering iron was said by defendant. This decision, it is said, will open the way to suits against a majority of the fruit-canneries of the country.

The Architects' Convention. CHICAGO, Nov. 22.—The second day's session of the Western Association of Architects opened with a discussion of needed statutory revisions relative to the fitness of architects. The opinion of the speakers was unanimous that statutory restrictions were needed. The report of the committee on the consolidation of the Western Association of Architects and the American Institute of Architects was favorably received, and will become operative when voted on favorably by two-thirds of the members of both organizations.

Indians Must Come to Terms. PITTSBURGH (Pa.), Nov. 22.—A Carlisle special says: The Sioux Indian Commission has forwarded a lengthy report to Secretary Vilas. Capt. Pratt said to a reporter that the report contains some startling revelations which will be read with great interest throughout the entire country. It shows the condition of the Indians who have been treated by the Government, and the commission sees no reason why the Government should have any trouble in bringing them to terms.

The Nations Smuggling Case. ALBANY (N. Y.), Nov. 22.—In the United States Court, Judge Brundage this morning was called upon to make a lengthy report to the Hon. J. M. McKim, U. S. Senator from New York, on the case of the Nations, who were charged with conspiracy in the opium-smuggling case. United States Attorney Lockwood opposed the motion on the ground that he was not ready to make a report. The court decided that the case should be given preference when the District Attorney was ready.

Morton at Washington. WASHINGTON, Nov. 22.—Vice-President-elect Morton is in the city today inspecting a large apartment-house which he is building on the site of his former residence here. He says the time of his visit to Gen. Harrison has not been settled. It will be arranged to suit the convenience of both parties.

Private Secretary Halford. INDIANAPOLIS, Nov. 22.—Private Secretary Halford formally entered upon his new duties today, and occupies a desk in the library immediately to the right of the large table where the President-elect works. Both were busily engaged throughout the day with the accumulated correspondence.

Found Guilty of Murder. PRESCOTT (Ariz.), Nov. 22.—The trial of William Harper, who shot and killed Walter J. Murphy at the copper mines in Jerome, Oct. 10, last, was concluded last night, and the jury found him guilty of murder.

Killed by a Train. WELLINGTON (Kan.), Nov. 22.—Last evening Levi Meeker, wife and 8-year-old daughter were found dead on the Southern Kansas Railroad track. It is supposed they were struck while crossing the track in a wagon by a train.

Forming a New Trust. NEW YORK, Nov. 22.—A meeting of carpet manufacturers was held here yesterday. It is understood that a trust was formed, and the price of carpets will be advanced soon.

Asphyxiated by Coal Gas. CLEVELAND, Nov. 22.—Ared and Amelia Dost, a young German couple, were found dead in bed this morning, asphyxiated by gas from a coal stove.

Heavy Loss by Fire. BALTIMORE, Nov. 22.—Fire has destroyed the business part of Pocomoke City, Worcester county. Loss nearly \$500,000. No lives were lost.

Vicar General Walsh Dead. PHILADELPHIA, Nov. 22.—Very Rev. Maurice A. Walsh, Vicar-General of the archdiocese of Philadelphia, died this morning.

Harvard Forfeits a Game. BOSTON, Nov. 22.—Harvard has decided to forfeit the Thanksgiving day game of football to Yale.

DID NOT SAY IT.

The President Denies That Rucker Interview.

Minister West to Depart from Washington Today.

Falmer of Illinois Lays His Defeat to the Grand Army.

Republicans Will Not Give Up the Old Dominion Without a Fight—Report of the United States Treasurer—The Knights of Labor Convention.

By Telegram to The Times.

WASHINGTON, Nov. 22.—[By the Associated Press.] The Post tomorrow will say: "It can be stated authoritatively that the President denies most positively ever having used the language attributed to him by Judge Rucker in the now celebrated interview. As a matter of fact, the President does not remember even having met Judge Rucker on the day in question. Senator Blackburn called at the White House with some friends. This much the President has called to mind. He recollected, also, that just before leaving the library the Senator stepped over to him and spoke a few words in regard to a Senate report on the civil-service investigation, but at no time was anything said about politics in New York, and under no circumstances has the President ever charged or intimated that there was treachery toward him in New York."

GOOD-BYE, SACKVILLE. Lord Sackville and the Misses Sackville-West will leave Washington tomorrow morning for New York, and on the following day will sail for Havre in La Bourgoynne, the vessel which takes Chamberlain and his bride to France.

DEALING WITH MILLIONS.

Annual Report of the Treasurer of the United States.

WASHINGTON, Nov. 22.—[By the Associated Press.] The Treasurer of the United States, Hon. James W. Smith, has submitted to Secretary Fairchild his annual report of operations of the treasury. The net revenues of the Government for the fiscal year ended June 30, 1888, were \$379,369,074 and the net expenditures \$367,924,801, the surplus receipts available for reduction of the public debt being \$11,444,273, an increase of \$7,500,176 over the year before. As compared with 1887, the revenues were \$7,824,797 greater and the expenditures \$737,858 less. The treasury balance increased during the year from \$69,224,378 to \$125,804,343, and the total assets, including certificates of deposit and cash, from \$622,304,284 to \$764,729,355. The net change of \$60,575,863 in the balance was produced by an increase of \$17,536,468 in the assets and a decrease of \$23,060,584 in the liabilities. The silver balance fell off more than \$27,000,000. The principal increase of assets was in United States notes and deposits in national banks, and the principal decrease in liabilities was in the public debt and funds for redemption of national bank notes. There was a net decrease of \$74,788,920 during the fiscal year in the principal of the interest-bearing debt. The total purchases of bonds for the sinking fund and out of the surplus revenues were \$1,464,300, the net premium paid, exclusive of accrued interest being \$3,570,342.

The gold and silver coin and bullion in the country and all kinds of notes and certificates outstanding June 30, 1888, amounted to \$1,929,359,888, and June 30, 1887, to \$2,093,562,072. The stock of gold and silver increased from \$1,007,513,901 to \$1,024,301,690, mostly in gold. The increase in the volume of paper circulation was \$88,424,400, resulting from an increase of \$110,319,955 in the amount of certificates and a falling off of \$26,895,554 in the total of notes and fractional currency.

Some attention has been given to the question of the probable loss or destruction of paper currency, but without any very definite result. A table is given showing the course of redemption of the first issue of legal-tender notes. Until the notes are called in by the government, or some other cause brings them to the treasury, the loss from destruction must be more or less a matter of conjecture. The most careful estimate from data at hand places it at 1 per cent, or less, according to denomination. Certificates of deposit amounting to \$24,110,000 were issued under the act of June 18, 1884, and \$18,465,000 were redeemed, leaving \$14,665,000 outstanding. The Treasurer attributes the decrease in the use of these certificates to the change in the mode of redeeming them, the holder now receiving the same notes that were deposited instead of new notes as formerly. The volume of gold certificates outstanding was \$88,358,383, reaching \$143,023,150, the highest point yet noted at the end of any fiscal year. Taking into account the decrease in the treasury, the total increase in circulation was \$23,060,584.

The coinage of silver dollars during the year amounted to \$22,454,673, making the total coinage \$29,424,790. The increase of the circulation was only \$29,424,790. The scarcity of one and two-dollar notes and the demand for the movement of crops nearly \$9,000,000 was drawn into circulation during the year. The Treasury is of the opinion that people have all of these papers and are willing to take, and recommends that if the purchase of silver is to be continued, the bullion be put into the form of heavy bars or ingots, arguing that the present supply of dollars will be sufficient for any demand there is likely to be for them, and that any increase of the certificate circulation could be based with perfect safety on the uncoined metal.

The new silver vault in the Treasury building, having a capacity of \$100,000,000, and said to be the largest treasury vault in the world, is being filled at the rate of half a million a day. It will hold the total coinage of three years, but at the end of that period still further storage-room will probably have to be provided, unless the coinage is suspended. The amount of fractional silver coin in the treasury has not changed much since the first accumulation after the resumption of specie payment. The Treasurer states that the coin in the treasury is in good condition, with the exception that a few of the silver half-dollars are much worn, some being quite smooth, and it has been impossible to recollect these, because the loss would have been too great in proportion to the new coinage, mostly dimes, which it was necessary to produce. The decrease in amount of deductions on account of mutilations from the face value of currency redeemed, adding a number of counterfeit notes and coins rejected, shows a gratifying improvement in the condition of the circulation in this respect.

At the close of the year the Treasurer held \$178,312,650 of United States bonds to secure the national bank circulation, and \$66,128,000 to secure the public moneys held in the depository banks. There was a decrease during the year of \$13,654,050 in the amount of the former, and a decrease of \$29,642,500 in the amount of the latter. There was \$12,511 of public money held by the banks, an increase of \$35,505,633.

The semi-annual duty collected from the national banks amounted to \$1,016,137, making an aggregate of \$13,233,803 since 1888. The net proceeds on national bank notes redeemed during the year was \$98,246,723. The redemptions were \$11,000,000 greater than those of the preceding year, in the face of a reduction of \$66,500,000 in two years in the amount outstanding, and greater in proportion to the circulation than those of every year, save two, since 1879.

FIGHTING FOR A STATE.

Republicans Do Not Give Up the Old Dominion.

WASHINGTON, Nov. 22.—[By the Associated Press.] As a result of the conference between Gen. Mahone and Senator Quay, recently held in this city, it is understood that proceedings will be begun in the Virginia State courts and in the United States District Court of Virginia, attacking the right of the Democratic electors of that

State to cast their votes as Presidential electors in the Electoral College. The certificates of the electors will not be issued until the meeting of the State Board of Canvassers in Richmond next Monday, and the contemplated proceedings will then be instituted.

KNIGHTS OF LABOR.

Powderly to Name the New General Officers.

INDIANAPOLIS, Nov. 22.—[By the Associated Press.] The question of election still agitates the minds of the delegates to the Knights of Labor General Assembly. Every one now acknowledges the certainty of Powderly's election, and his choice for other positions will be the choice of the convention.

Hayes, the present general secretary, is said to be Powderly's choice for general secretary and treasurer. Mrs. Barry will undoubtedly be reflected to her position in charge of the women's work, and, if Powderly wishes it, Richard Griffiths of Chicago may continue to serve as general worthy foreman. Powderly's nominations for members of the General Executive Board cannot be so readily predicted. A Canadian member is desired. From the South there is also a request for representation on the board. McGuire and Aylesworth of present board, and O'Reilly of New York and Hugh Cavanagh of Cincinnati have been considered liable to be selected.

In the assembly today four hours were spent in a heated debate over the Skelting case. It was finally decided that Skelting was guilty of insubordination, and that he be publicly reprimanded by the general master workman.

It was decided to send a representative of the order to the Paris Exposition, and then an hour and a half of the convention's time was devoted to considering secret work of the order.

The Finance Committee, Hugh Cavanagh, chairman, reported that it had found the methods of disbursing funds very loose; that bills had not been countersigned before being paid; that some officers should be given a veto power in regard to the expenditure of money, and under such plan that more money would now be in the treasury, and the order would be established. They made no suggestion of any crookedness, finding all accounts perfectly correct, and the report states that the resolutions already decided upon by consolidation and reduction of officers would foot up \$15,000. Salaries will remain the same as heretofore. Power is given to the general master to throw out excessive items from the expenditures.

By a vote of 88 to 57, it was decided to continue the salary of \$5000 to the general master, and the salary of the secretary and treasurer will be paid \$2000. Members of the Executive Board will receive \$4 a day and expenses. The report of the committee was adopted, and these matters as to salary came up immediately afterward.

POOR PALMER.

A Defeated Candidate Leaves the Grand Army of the Republic.

SPRINGFIELD (Ill.), Nov. 22.—[By the Associated Press.] A special to the News says: John M. Palmer tonight formally withdrew from the Grand Army of the Republic. The reason for this step given by Gen. Palmer is that the order was used against him during the recent election.

SCENES OF TERROR.

Fire Causes a Panic in a Crowded School.

NEW YORK, Nov. 22.—[By the Associated Press.] Shortly after 1 o'clock a fire broke out in the school building at Long Island city. Nine hundred children in the panic were piled upon and fought each other in the frantic effort to get out. They were piled on the floor at the foot of the stairways in heaps. Hundreds of them were badly bruised, but none fatally hurt. The fire was insignificant.

PACIFIC IN A STORE.

CHICAGO, Nov. 22.—The false cry of fire in the Boston store this afternoon caused a panic. A thousand persons, mostly women, shoppers and shop girls, made a frantic rush for the stairways and exits. Many were bruised and several severely hurt, but not fatally.

MEXICAN AFFAIRS.

Diaz's Cabinet Resigns—Newspaper Men Arrested.

CITY OF MEXICO, Nov. 22.—[By the Associated Press.] The Cabinet ministers today handed in their resignations to take effect December 1st, so that President Diaz may have full liberty to appoint a new cabinet for the new term.

Many rumors are afloat, though it is probable that the only changes will be in the portfolios of Justice, Lancaster Jones will probably be Minister of Justice. Jesus Jimenez, Governor of Michoacan, forbids the publication of news not revised by him. He is arresting correspondents.

Ex-President Hayes at Chicago.

CHICAGO, Nov. 22.—Ex-President Rutherford B. Hayes was greeted tonight by an audience which packed Farwell Hall to suffocation. The ex-President was the guest of the State Board of Charities, and his address tonight was on "Prison Reform." Mr. Hayes explained the aims of the National Prison Reform Association. At the conclusion he received an ovation from the Grand Army men present.

A Nevada Woman's Suicide.

NEW YORK, Nov. 22.—The keeper of a so-called "furnished rooms" house, Alice McCarthy by name, committed suicide this afternoon. She bore the name of David McCarthy, with whom she lived. He is not her husband. Her husband's name was Nelson. She was born in Virginia City, Nev., and has a child in the West. She was 33 years old.

Death of a Journalist.

HELENA (Mont.), Nov. 22.—J. S. Dickerson died here this morning of pneumonia. He was a native of Illinois, about 41 years old. He studied law in the office of President-elect Harrison; was a noted stenographer and held editorial positions on Indianapolis, St. Paul and Montana papers, as well as being for some time the St. Paul agent of the Associated Press.

Saved From the Arctic.

WASHINGTON, Nov. 22.—Secretary Whitney has received a letter of thanks dated Benicia, Cal., from the owner of the schooner Jane Gray, which was raised by the United States steamer Thetis after being wrecked in the Arctic Ocean, and returned to her owner without salvage.

Crime in North Carolina.

RALEIGH (N. C.), Nov. 22.—James Philbeck, a farmer living in Cleveland county, was last night called to the door of his house and shot dead by an unknown party, who then entered the premises, shot Philbeck's wife and robbed the house. The murderer escaped.

Burned to a Crisp.

LIVINGTONSTON (Ala.), Nov. 22.—Last night Henry James (colored) and his wife went to a church supper, leaving their three children locked up in the house. Upon their return they found the house in ashes and the children burned to a crisp.

Accidentally Shot.

BROWNVILLE (Or.), Nov. 22.—Last evening Phil Walker, a young man, was handling a shotgun, when the trigger caught on something, discharging the gun. The load of shot struck the man in the head, lacerating him horribly. He lived only a few minutes.

The Base-Ball League.

NEW YORK, Nov. 22.—The Base-Ball League went into session with closed doors at 10 o'clock to elect a committee, and then revise the constitution.

The Woman Suffrage Association.

NIP AND TUCK.

Phelps and Clunie Running a Close Race.

Another Day of the Fruit-growers Convention at Chico.

Their Industry Impoverished by Railways and Middlemen.

Maxican Baniffs Do Up an Arizona Stage—Important Decision Affecting Contra Costa Lands—Dumaineur Wins His Libel Suit at Victoria—Notes.

By Telegram to The Times.
SAY FRANCISCO, Nov. 22.—[By the Associated Press.] It is expected that the official count of the vote of this city will be completed tomorrow. The total vote as counted so far gives Clunie (Dem.) for Congress 10,472 and Phelps (Rep.) 9,577, or a majority in favor of the former of 595. Phelps's majority in San Mateo, Santa Clara and Santa Cruz counties is 515, which leaves Clunie 230 behind, with two districts yet to be canvassed. The Democrats believe that these districts will give 250 or 300 Democratic majority. It will be seen that the vote is very close.

THE FRUIT-GROWERS.

They Say That Their Profits Go to Railways and Middlemen.

CHICO, Nov. 22.—[By the Associated Press.] This morning the Fruit-growers Convention listened to an address by H. E. Parker of Placer county on the "Synima Plig."

E. E. Smith of San Francisco read an essay on tomato-growing, and R. C. Keils of Yuba City on dried fruit. The latter subject resulted in a discussion on fruit-drying, which occupied the balance of the morning session.

The convention at the afternoon session adopted resolutions recommending T. H. Bucknall of Yacaville and W. N. Motter of Hanford for appointment by Gov. Waterman to fill vacancies in the State Board of Horticulture.

The most interesting discussion of the session was concerning the comparative amount of money received by fruit-growers and shippers, and railroad companies, from eastern shipments of fruit. Mr. J. H. Block of Santa Clara produced statistics showing that for every \$100 given the shipper or grower the railway companies get \$346, the commission merchants \$45, the box-makers and others furnishing supplies \$70; so that out of four hundred and sixty dollars received the grower or shipper gets less than one-fourth.

The convention appointed a committee of five to secure better freight rates for the coming season.

SACRAMENTO, Nov. 22.—A dispatch this afternoon was received from the president and secretary of the State Fruit-growers Association, now in session at Chico, expressing thanks to Gov. Waterman for his deep interest he has often expressed in the success of the fruit industry.

Union Sailors Keeping Up Wages.
SAN FRANCISCO, Nov. 22.—It is estimated that there are between 2500 and 3000 sailors idle in port today. Fifteen hundred of them are on the wharves and the rest come from deep-sea ships, coastwise and fishing crafts. The ship's owners say they can get crews for \$35, \$40 and \$35 per month, with \$5 additional on steam schooners, and the men are glad to go at those rates. The union sailors, however, say that they are firmly resolved not to go to sea unless they are paid \$45 per month to outside ports, \$40 to bar harbors and \$35 to islands, with \$5 additional all around on steam schooners.

Lowell's Murderers Beg for Mercy.
SACRAMENTO, Nov. 22.—Judge Irwin and G. J. Carpenter of Placerville came down yesterday to present to the Governor a petition for commutation of the death sentence imposed on Olsen and Drager for the murder of Lowell. The Governor was not in the city, and the petition was laid before Private Secretary Boruck, who will present the cases to the Governor.

Myers, one of the trio, who made affidavit that he was solely responsible for the murder, has since recanted, and has written to Carpenter claiming that Olsen and Drager were equally guilty with himself.

Suppressing the Salvationists.
Petaluma, Nov. 22.—The City Trustees have passed an ordinance relative to street parades and obstruction of streets and sidewalks. It is aimed at the suppression of the Salvation Army parades, which have been the cause of so much disturbance in this city. The Salvationists say they will apply at once for a permit, and if refused will parade as usual.

Damages in a Libel Suit.
VICTORIA (B. C.), Nov. 22.—Hon. Robert Dunsmuir was awarded \$500 damages in his suit against the Times Publishing Company for libel. The verdict carries costs. The Times had been charged with having secured \$100,000 through its position as president of the Executive Council to build private roads to his mines.

Chinese Seeking Police Protection.
SAN FRANCISCO, Nov. 22.—The Chinese Six Companies are contemplating the organization of a private police force of 24 white men to patrol Chinatown and prevent highlander outrages. A fund will be raised by subscription, cash being offered in return for the Chinese merchants to defray the expenses.

Divided His Estate Equally.
SAN FRANCISCO, Nov. 22.—The will of Albert W. Sisson, well-known resident of San Francisco, and formerly senior member of the old firm of Sisson, Crocker & Co., was filed for probate today. The estate of \$400,000 is divided equally among his widow and three sons.

"Big Bertha's" Trial Hanged Fire.
SAN FRANCISCO, Nov. 22.—The case of Bertha M. Stanley was postponed today until Monday next, and her bail reduced from \$8000 to \$1000. Cash bail was offered in the sum of \$500, and was refused.

The Mayor of Watsonville Dead.
WATSONVILLE, Nov. 22.—Mayor Attridge of this place died today. He was an Irishman by birth and a man of fine literary attainments, and at one time was secretary to McCarty Downing in the House of Commons.

Gen. Miles in San Francisco.
SAN FRANCISCO, Nov. 22.—Gen. Nelson A. Miles, the new commander of the Division of the Pacific, arrived from Los Angeles this afternoon. He was accompanied by his aide-de-camps, Lieuts. Greenwood and Dapry.

Oregon's Republican Majority.
PORTLAND (Or.), Nov. 22.—All official returns are in, except from Coos county. Thus far Harrison's majority looks up to 6700. Coos county is one of the smallest in the State, and the returns from there cannot materially change the result.

For Killing a Chinaman.
MARYSVILLE, Nov. 22.—John Farrell, the young man arrested for having killed a Chinaman at the levee camp in Sutter county, was given a preliminary examination and held to answer on a charge of murder, with bonds fixed at \$5000.

Ripe Oranges at Marysville.
MARYSVILLE, Nov. 22.—Two hundred ripe oranges were sent from here today for exhibition at the rooms of the State Board of Trade. Marysville claims to be the first with her citrus fruits.

A Hung Jury.
SAN FRANCISCO, Nov. 22.—The jury in the Portelli murder case has been out since Wednesday and is still unable to agree. They are reported standing eleven to one for conviction of murder in the first degree.

LAND LITIGATION.

Decision of an Important Case in Contra Costa County.

SAN FRANCISCO, Nov. 22.—[By the Associated Press.] The case of Horace W. Carpenter vs. John Brady, James Tippett and other settlers residing upon five sections of land in Moraga Valley, Contra Costa county, pending for the last four years before the Register and Receiver of the United States Land Office in this city, was decided today in favor of the actual settlers under the homestead and preemption laws of the United States. Carpenter based his claim upon the acts of Congress approved July, 1850, commonly called the "Conness Act," providing for the purchase by Mexican grantees or their assigns of land excluded by the United States in making final survey of Mexican grants, providing such purchasers bought from the Mexican grantees in good faith and were in actual possession of the lands so purchased on the passage of the act.

The Register holds that Carpenter was not a purchaser as required by the act referred to, as he only purchased undivided interests in the Moraga grant, the land in dispute being excluded from the final survey of that grant, which was patented August 10, 1878. An appeal was taken from the decision to the general office at Washington.

CHANGE OF BASE.

The Tenth Cavalry's Headquarters to Be Moved to Santa Fe.

SANTA FE (N. M.), Nov. 22.—[By the Associated Press.] A telegram was received from military department headquarters yesterday directing that the headquarters and band of the Tenth Cavalry be transferred to Ft. Apache, Ariz. A letter-patch was received saying that Gen. Miles desired information as to whether or not the reservation here and present buildings thereon could be made at once available for the accommodation of regimental headquarters, staff, band and four companies of infantry immediately. Capt. Pullman examined the reservation buildings, and today a telegram was forwarded to headquarters saying that the accommodations here were ample for the purpose named. It is probable that Gen. Miles will direct that the four companies, headquarters, staff and band of the Tenth Infantry, now stationed at Ft. Union, be located in Santa Fe.

Settling a Suit.

SAN JOSE, Nov. 22.—Last July the case of John Morse against William Chapman, to recover \$11,300, alleged to be due under an agreement dated in 1874, wherein Chapman was to pay Morse \$100 per month for life, in consideration of valuable services, was dismissed at Morse's request. An agreement executed in October was filed today, binding Chapman to pay Morse \$100 in cash, \$50 a month for life, and to convey to him 50 acres of land in Fresno county in return for dismissing the suit.

An Arizona Stage Robbed.

FLORENCE (Ariz.), Nov. 22.—The down stage from this place to Casa Grande was held up at Dry Lake this afternoon by two masked Mexicans. They took the driver's watch and relieved A. S. Donagh, a driver for L. Zeckendorf & Co. of Tucson, of his checks, cash and samples. They took four sacks of mail and the express box, they are supposed to be the same parties who held up his stage at the same place a month ago.

Rice Mill Burned.
SAN FRANCISCO, Nov. 22.—The barkentine W. H. Dimond, just arrived from the Hawaiian Islands, brings news that the rice mill of G. H. Hopper, at Honolulu, was totally destroyed by fire, together with a large quantity of rice. The loss is about \$20,000.

The Oregon Species of Jimjams.
SALEM (Or.), Nov. 22.—Barry Bressler, a journeyman tailor by trade, was brought to the asylum from Albany today, a raving maniac from alcoholism. He believes himself to be surrounded by devils and calls himself Jesus Christ.

The Stockton Nine.
STOCKTON, Nov. 22.—The stockholders of the Stockton Base-ball Association tonight decided to join the California League for the next season. The new nine will probably be made up of a majority of the present nine.

THE CATTLEMEN.

The Range and Butchers' Associations Working Together.

ST. LOUIS, Nov. 22.—[By the Associated Press.] The long-deferred joint convention of the Range Association and Butchers' Association was held tonight in the Exposition building. Only 100 people were present when Thomas Armour called the meeting to order. The report of the joint committee of the International Association was read by H. M. Taylor of Denver. The report cites the danger of a combination and concentration of the markets of the country in a preamble, while in the resolutions it favors combined efforts on the part of the butchers and cattlemen to secure such legislation as will restore the old condition of trade, so that instead of having only two markets for cattle in the country, there will be hundreds of points where brisk competition will benefit the benefit of the small dealers and the consumers.

Col. Charles James, president of the Butchers' National Association, addressed the convention at length, reciting the results of his investigations in various cities as to the workings of the dressed-beef combines. An address by C. C. Slaughter of Texas followed, after which Col. J. C. Hume of St. Louis read a paper on the constitutionality of the State inspection laws.

The result of a secret conference places the butchers and cattlemen in favor of the passage of laws providing for the inspection of cattle on the hoof only at regular stockyards, and the inspection of meat for export at the request of the exporter.

Another Meeting.
While the joint convention of range men and butchers were in session in the Exposition building, a meeting of committees from the live stock exchanges of Chicago, St. Louis, Omaha and Kansas City was held at the Southern Hotel. They were reinforced by the seeders from the convention, and adopted a set of resolutions setting forth their views. The preamble recites that:

"WHEREAS, inspection and approval of meat products is necessary to command the confidence of the consumer, and such inspection and approval should be made under an authority free from local prejudices, and the interests of producers and consumers alike demand the best facilities for the marketing of live stock and products thereof, it is

"Resolved, that we favor a national inspection law providing that it shall be unlawful to transport from one State into another State or a foreign country any beef, pork, mutton or veal to be sold for human food which has not been inspected at the slaughterhouse by the inspector of the United States and found healthy."

The resolutions favor the appointment of practical stockmen as national inspectors, and oppose local or State inspection laws, which shall hinder the free transportation and marketing of meat products. They declare that such a law would have a tendency to destroy competition, and would not command the confidence in foreign countries that national inspection would. A copy of the resolutions will be mailed to each Senator and Congressman in the United States.

Sabbath Observance.

CHICAGO, Nov. 22.—The recently formed National Sabbath Union met here this morning and decided to hold a national convention in the interest of Sabbath observance, at Washington, December 11th to 15th.

Dakota Still Knocking.
JAMESTOWN (Dak.), Nov. 22.—A call has been issued for a constitutional convention at Jamestown, December 5th, to further the early admission of the two Dakotas into the Union.

The Suevia Safe.

NEW YORK, Nov. 22.—The steamer Suevia, which rumor had on Saturday been sunk by the Aurania, arrived today.

PARNELL'S PLEA.

The Irish Leader's Speech in Parliament.

Emperor William Opens the Reichstag and Is Well Received.

Queensland Again Protests Against Blake as Governor.

Four Hundred Soldiers Needed to Execute a Writ in Ireland—More Charges Against the Parnell Commission—Bismarck Reports About French Politics.

By Telegram to The Times.

LONDON, Nov. 22.—[By Cable and Associated Press.] The debate on the Land Purchase Bill was resumed in the Commons tonight by Parnell. He declared emphatically that he approved of the bill, but he believed it so decided that under the present circumstances it would be impossible to put it into effective operation. He had always held that the creation of a peasant proprietary was the only means of solving the land question. His own bill simply asked that church tenants be allowed to acquire land by paying the church commission annually for forty-nine years, a rent equal to 4 per cent. on the capitalized value of the holdings. That would have created no risk to the imperial exchequer. The Conservative opposition that proposal, but not any longer maintain their position, wanted to dispose of their property at inflated prices. The only way to make the landlords of congested estates accept the value of their property was to empower a commission to purchase it at such price as would really represent the landlords' interests. Any bargain with farmers ought to have been based on that repudiation of the question. The present system of government trampled upon national feeling. If the Government meant to attempt a scheme of a large scale land purchase, it was essential to establish in Ireland a representative with authority to act as a buffer between the tenants and the State. The tenants would have their 80 members of Parliament.

Lord Randolph Churchill said that the assertion that the bill was introduced to enable the landlords to get their inflated prices would not be examined. Regarding the national sentiment, he appealed to Parnell to say what room there was for romance in dealing with a matter of fact, advance and repayment of money. Had Mr. Parnell any alternative bill? Would he support the principle of Gladstone's bill of 1887? Parnell here gave a negative shake of the head. Then what other scheme?

Parnell: "I would accept the bill if the disadvantages connected with it were modified by dealing with arrears." Lord Randolph said that he trusted, after the recent speeches of the ministers, the Government would bring up the arrears question early in the future. In the meantime he could not admit that coercion might be necessary. Then what other scheme? The bill passed the second reading by a vote of 299 to 224.

THE REICHSTAG OPENED.

Emperor William's Speech Warmly Received—Budget Estimates.
BERLIN, Nov. 22.—[By Cable and Associated Press.] The German Reichstag opened the session in a speech. He said that the tour which he recently made convinced him that the desire for imperial unity was deeply rooted in the people. He emphasized the pacific character of Germany's foreign relations and policy, and said that his visits abroad, which have been understood to have been with a view to effecting an understanding in the interest of peace, caused him to feel that his mission was successful. The Emperor made no reference to any military bills or credits, and touched but briefly upon East African affairs.

The Emperor was frequently interrupted by warm applause while he was reading his speech. The passages referring to the peaceful situation, improvement in trade and social legislation, were especially applauded.

Upon the conclusion of the speech, Herr von Boettcher, as representative of the Chancellor, declared the Reichstag opened. When Emperor William entered the chamber he was received with cheers, led by Herr von Buhl, Vice-President of the Reichstag. As he retired he was tendered an ovation, led by Count von Lerchenfeld, Bavarian Plenipotentiary. During the opening ceremony the imperial balcony was occupied by the Empress, the Duke and Duchess of Aosta and Princess Alice.

When the Reichstag settled down to business the budget was presented. It balances at 949,103,907 marks. Of the expenditures, 306,422,420 marks are for permanent, and 58,554,615 marks as non-recurring expenditures in the extraordinary budget. The estimated revenue from taxation during the coming year shows an increase of 20,000,000 marks. The funds made available from the Empire to the Federal States will be 15,000,000 marks in excess of the previous year. On the other hand, the contributions from individual States to the Empire are increased 1,365,108 marks.

According to the memoranda accompanying the naval estimates several new warships will be built, besides those now in course of construction. The additions will comprise four ironclads, nine smaller armored vessels, seven corvettes, four cruisers, two dispatch vessels and two torpedo boats. The existing war ships, the budget states, are still serviceable, but becoming undated to the times. It is therefore urged that the State should make provision for the construction of new ships. The expenditures under this head to be 116,800,000 marks, and to be distributed over 10 years.

The increase in the army expenditures amounts to 7,000,000 marks, mainly for victualing purposes.

THE PARNELL INQUIRY.

A Witness Thinks the League as Strong as Ever.
LONDON, Nov. 22.—[By Cable and Associated Press.] The examination of witnesses from County Kerry was continued at the session of the Parnell Commission today.

Leonard, the agent of the Earl of Kenmare, said that the league was as active as ever. He thoroughly disagreed with the statement of Balfour that the league was a thing of the past. Formerly a writ could be executed by the Sheriff, the aid of four policemen, but now 400 soldiers were required. Since 1850 the Earl of Kenmare had expended £17,300 in improvements on his estate. His bill for labor now amounted to £200 weekly. Only such rents were taken from poor tenants as they could afford to give. Witness did not seek to collect rent from persons blue with hunger, and the law was never enforced against tenants of that class.

Adjourned.
Harrington intends to question the right of the commission to impose the fine of £500, which was assessed him yesterday.

DUBLIN, Nov. 22.—United Ireland makes a furious attack on the Parnell Commission because of the heavy fine imposed upon Edward Harrington. It says whether the guilt of contempt or not, it will not abstain from commenting on the action of the judges. It then reiterates the charges made by the Parnell Commission against the commission, and asserts that the Government, whose existence is at stake, has paid the court.

NOTES FROM ABROAD.

Queensland Protests Again Against the Appointment of Blake.

SYDNEY (N. S. W.), Nov. 22.—[By Cable and Associated Press.] In the Assembly today the Premier moved an address to be Queen, advising that the office of Governor of the colony henceforth be confined to the class of public men who can be called to assist in the government of the empire, and that the Colonial Government be informed of the proposed nominations. There was no idea, he said, of disturbing the relations with the mother country, but it is of the highest importance in view of the continued development of the colonies that the Queen's advisers appreciate the increased responsibility involved in appointing the Governor. He admitted the right of imperial selection, but urged that the position ought to be an object of ambition, and no man ought to be appointed merely for the sake of the salary. The address was adopted without division.

NEW CABLE PROJECTED.

LONDON, Nov. 22.—A conference of influential Australians and Canadians was held today. Sir Donald Smith presided. The question of laying a cable from Vancouver to Australia, to touch at Hawaii, Fanning Island, Samoa, Fiji and New Zealand, was discussed and approved, and it was voted to urge the Imperial Government to support the project. It was said that the tariff between England and Australia by this route would be 4 shillings per word.

THE FRENCH REPUBLIC TOTTERRING.
NEW YORK, Nov. 22.—A London special to the Times says: "During the past few days there has been a curious consensus of opinion that the French Republic is in desperate straits, and that its downfall is imminent. Several English Radicals of repute have expressed the most pessimistic views on the subject, out of which a sort of scare has generated here."

MORE FIGHTING IN SAMOA.

LONDON, Nov. 22.—Advices from Samoa say that Mataafa's followers attacked a stronghold held by the adherents of Tamaeese at Aina on the 7th inst., and captured the outposts after two days' fighting. Many were killed.

NORVA.

LONDON, Nov. 22.—John Bright is improving this evening.

BERLIN, Nov. 22.—The report yesterday that 200 Alsatian recruits had attacked their military escort is officially denied.

PARIS, Nov. 22.—The *Transatlantique* states that Baron Seltzer has been placed in Dr. Saury's private asylum in this city.

Dion Boucicault Very Ill.

NEW YORK, Nov. 22.—Dion Boucicault is suffering from rheumatic gout. It is not believed he can recover.

George H. Knight is very ill at Orange, N.J., suffering from paresis, apparently from the same causes which resulted in the death of John McCullough and Bartly Campbell, which have prostrated Tony Hart. He arrived from Los Angeles 10 days ago. He may die any day or hour.

Hunted Down and Killed.

DEKINSON (Tex.), Nov. 22.—Officers, after a long chase in the Choctaw Nation, succeeded in overhauling and killing a desperado, supposed to be John Barber, one of the celebrated Kip Queen gang. The man had killed an Indian, and was wanted for attempted train robbery.

Harrison's Plurality in Michigan.

DETROIT, Nov. 22.—The official canvass of the vote of Michigan gives Harrison a plurality of 23,998. The total number of votes cast was 475,200, an increase of 72,800 over four years ago, divided as follows: Harrison, 236,370; Cleveland, 213,404; Fisk, 20,422; Streeter, 4542.

The Weather.

SIGNAL OFFICE, LOS ANGELES, Nov. 22.—At 5:07 a.m. the thermometer registered 59; at 12:07 p.m., 63; at 5:07 p.m., 59. Barometer for corresponding periods, 29.97, 29.82, 29.84. Maximum temperature, 63; minimum temperature, 51. Weather, cloudy.

INDICATIONS.

SAN FRANCISCO, Nov. 22.—Indications for 24 hours for California: Rain, variable winds, nearly stationary temperature.

Pearl's soap secures a beautiful complexion.

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PET CIGARETTES ARE THE BEST!
CIGARETTE SMOKERS WHO ARE WILLING to pay a little more than the price charged for the ordinary trade cigarettes, will find the

PET CIGARETTES SUPERIOR TO ALL OTHERS!
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Has returned to his old quarters,
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And invites all his old and new customers to call and see him.

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TAPE WORM removed with head complete or no charge, by a safe and reliable process, in about 2 hours' time. NO PAIN IN ADVANCE.
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DELIGHTFUL DAYS
PLEASANT NIGHTS!
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HOTEL del CORONADO
San Diego County,
IS THE MOST
Remarkable and Magnificent
On the continent of America.

The climate of the peninsula whereon this gorgeous structure stands is both
PRESERVATIVE AND RESTORATIVE.

Residents of Los Angeles readily admit the fact that the night air is much warmer than that of Los Angeles during the winter and so balmy that people can sit outside in the evenings.

There is NO MUD and LESS FOGS than prevail back in the country. The temperature during the winter is warmer at Coronado than that of the most favored of the world-renowned Mediterranean resorts.

Rates, from \$2 per day by the month; transient's, \$4 per day and up according to room.

E. S. BABCOCK, Jr.,
Manager.

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\$200 to \$250—Lots on installment plan.

\$900 to \$700—Houses and lots, all on street car lines, within from seven to twenty minutes from First and Main streets.

Also houses to rent at \$5 to \$50 per month.

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FURNITURE AT AUCTION.

On account of dissolution of partnership, the entire contents of No. 202 South Spring street, consisting of furniture, stoves and household goods of all kinds, will be closed out at auction.

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Special inducements to cash buyers at private sale.

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